

ASSEMBLY BILL

No. 1440

Introduced by Assembly Member Campos
(Coauthor: Senator Padilla)

January 6, 2014

An act to add Section 14033 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as introduced, Campos. Elections: rights of voters: public hearing.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees. Existing law requires a county board of supervisors or a city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust the boundaries of a district for the purpose of elections prior to a public hearing at which the board or council votes to approve or defeat the proposal.

This bill would require a political subdivision to hold at least one public hearing on a proposal to change from an at-large method of election to a district-based election prior to a public hearing at which the political subdivision votes to approve or defeat the proposal.

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14033 is added to the Elections Code, to
2 read:
3 14033. (a) A political subdivision shall hold at least one public
4 hearing on a proposal to change from an at-large method of election
5 to a district-based election prior to a public hearing at which the
6 political subdivision votes to approve or defeat the proposal.
7 (b) This section applies to, but is not limited to, a proposal that
8 is required due to a court-imposed change from an at-large method
9 of election to a district-based election.
10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.